

AMENDMENT UNDER 37 C.F.R. §1.111  
USSN: 09/688,187.

**REMARKS**

Claims 1-51 are all the claims pending in the application.

Claims 1, 39-45, 47, 50 and 51 have been amended.

Claim 14 has been rewritten in independent form and thus should be allowable based on the Examiner's statement that this claim would be allowable if rewritten in independent form.

Claims 6, 9-13, 18-19, 21-26, 28-34 and 37-38 have been cancelled without prejudice or disclaimer.

**Statement of Substance of Interview**

Applicants thank the Examiner for conducting a telephone interview on March 9, 2005. The substance of that interview is as follows. Applicants' attorney discussed proposed claim amendments to claims 1, 39-45, 47, 50 and 51 to address the 35 U.S.C. § 112 rejections. The claim amendments discussed were along the lines of the amendments in this Amendment.

Applicants' attorney also discussed the prior art rejections of claims 39 and 51 based on Hilton. In particular, Applicants' attorney argued that col. 9, lines 50-63 of Hilton was directed more toward a determination of compatibility of the cartridge versus a determination of reliability of data in the storage means. No agreement was reached.

**35 U.S.C. § 112 Rejections**

The Examiner has rejected claims 1-3, 35 and 39-50 under 35 U.S.C. § 112, second paragraph as being indefinite. Claims 1, 39-45, 47 and 50 have been amended to address these rejections. Therefore, Applicants request that the rejections be withdrawn.

**Prior Art Rejections**

The Examiner has rejected claims 39-42, 49 and 51 under 35 U.S.C. § 102(e) as being anticipated by Hilton et al. (U.S. Patent No. 6,158,837). Applicants traverse these rejections because Hilton et al. fails to disclose all the limitations of the claims. Specifically, Hilton et al. fails to disclose at least the following limitations:

**Claim 39:**

a determination section which compares a portion of the information corresponding to and read from the at least one data field with the normal setup range, and determines *whether the read information has been damaged* based on a result of the comparison;

**Claim 51:**

determining *whether the read information has been damaged* based on a result of the comparison;

Column 9, lines 50-63 of Hilton et al. discloses determining whether there is a cartridge identification number and whether the number matches a number stored in the printer memory in order to make a cartridge compatibility determination. However, the apparatus in Hilton et al. does not make any determination as to whether the data stored in the cartridge has been damaged. Therefore, Applicants request that the rejections based on Hilton et al. be withdrawn.

The Examiner has rejected claims 9-11, 18, 19, 21, 22, 24, 25, 28, 29, 31, 32 and 37-38 under 35 U.S.C. § 103(a) as being unpatentable over Hilton et al. in view of Benjamin. These rejections are moot given that these claims have been cancelled without prejudice.

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The Examiner has rejected claims 43-47 and 49 under 35 U.S.C. § 103(a) as being unpatentable over Hilton et al. in view of Bullock et al. Applicants traverse these rejections because the claims should be allowable at least based on their dependence from claim 39.

The Examiner has rejected claims 23, 26, 30 and 33 under 35 U.S.C. § 103(a) as being unpatentable over Hilton et al. in view of Benjamin and further in view of Webb. These rejections are moot given that these claims have been cancelled without prejudice.

The Examiner has rejected claims 12, 13/12 and 13/11 under 35 U.S.C. § 103(a) as being unpatentable over Hilton et al. in view of Benjamin and further in view of Hashimoto and Cowger. These rejections are moot given that these claims have been cancelled without prejudice.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


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**23373**

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Date: March 14, 2005